

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
28682-501-CIP

In re Application of: Michael Chancellor, et al.

Application No. 09/549,937

Filed: April 14, 2000

For: Soft Tissue and Bone Augmentation and Bulking Using Muscle-Derived Progenitor Cells, Compositions and Treatments Thereof

The owner*, the University of Pittsburgh of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,866,842. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.


Signature

10-21-05
Date

10/28/2005 HLE333

00000021 09549937

01 FC:1814

130.00 OP

Marc S. Malandro, Ph.D., Director

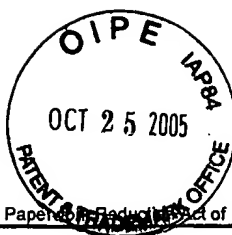
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/96 (09-04)
Approved for use through 07/31/2006. OMB 0551-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Michael B. Chancellor, et al.

Application No./Patent No.: 09/549,937 Filed/Issue Date: April 14, 2000

Entitled: PHARMACEUTICALLY ACCEPTABLE STARCH

The University of Pittsburgh, a university
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011046, Frame 0548, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Marc S. Malandro, Ph.D., Director
Signature

Printed or Typed Name

Director, Office of Technology Management

Title

10-21-05
Date

(412) 648-2206

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: 28682-501-CIP
Express Mail Label No. EV 781048623US
Date of Deposit: October 25, 2005



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

OCTOBER 24, 2000

PTAS

MORGAN & FINNEGAN, L.L.P.
LESLIE A. SERUNIAN
345 PARK AVENUE
NEW YORK, NEW YORK 10154-0053

2000 NOV -2 P 236



101453366A*

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/07/2000

REEL/FRAME: 011046/0548
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CHANCELLOR, MICHAEL B.

DOC DATE: 07/19/2000

ASSIGNOR:

HUARD, JOHNNY

DOC DATE: 08/01/2000

ASSIGNOR:

CAPELLI, CHRISTOPHER C.

DOC DATE: 08/01/2000

ASSIGNOR:

QU, ZHUQING

DOC DATE: 07/27/2000

ASSIGNEE:

PITTSBURGH, UNIVERSITY OF
200 GARDNER STEEL CONFERENCE
CENTER
PITTSBURGH, PENNSYLVANIA 15260

SERIAL NUMBER: 09549937

FILING DATE: 04/14/2000

PATENT NUMBER:

ISSUE DATE:

01'1046/0548 PAGE 2

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

09-11-2000



101453366

PATENT

Jcket No. 2710-4007US2

MD 8/7/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : M.B. CHANCELLOR, J. HUARD, C.C. CAPELLI and Z. QU
Serial No. : 09/549,937 Group Art Unit: 1646
Filed : April 14, 2000 Examiner: To Be Assigned
For : **SOFT TISSUE AND BONE AUGMENTATION AND BULKING
UTILIZING MUSCLE-DERIVED PROGENITOR CELLS,
COMPOSITIONS AND TREATMENTS THEREOF**

Commissioner of Patents
BOX ASSIGNMENT
Washington, D.C. 20231

RECORDATION FORM COVER SHEET
PURSUANT TO 37 C.F.R. §§ 3.28 AND 3.31

Sir:

Please record the attached original documents or copy thereof.

1. Name of conveying party/parties:

Michael B. Chancellor, Johnny Huard, Christopher C. Capelli and Zhuqing Qu

2. Name and address of receiving party/parties:

Name: University of Pittsburgh

Internal Address: 200 Gardner Steel Conference Center

Street Address: _____

City Pittsburgh State PA Country USA ZIP 15260

[] Additional names and addresses attached.

3. Nature of Conveyance:

[X] Assignment [] Merger [] Security Agreement

[] Change of Name [] Other _____

Execution Date: Michael B. Chancellor - July 19, 2000;

Johnny Huard - August 1, 2000; C. C. Capelli - August 1, 2000

Zhuqing Qu - July 27, 2000

09/08/2000 NTHA11 00000172 09549937

01 FC:581

40.00 OP

544946_1

4. Application Number(s) or Patent Number(s):

☐ This document is being filed together with a new application filed concurrently herewith on _____.

☒ Patent Application U.S. Serial No.: 09/549,937, filed on April 14, 2000.

5. Address all future communications to:

Leslie A. Serunian
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154-0053

6. Total number of applications and patents involved: 1 (one)

7. Total fee (37 C.F.R. §§3.41 and 1.21(h)):

\$40.00 per property x 1 property(ies) = \$ 40.00

☒ A check in the amount of \$ 40.00 to cover the recordation fee is enclosed.

☐ Charge fee to Deposit Account No. 13-4500. Order No.: _____.

8. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this recordation, or credit any overpayment to Deposit Account No. 13-4500. Order No. 2710-4007US2.

9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: August 4, 2000

By: _____

Leslie Serunian

Leslie A. Serunian
Registration No. 35,353

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154-0053
(212) 758-4800 Telephone

Total number of pages comprising this
Assignment & Recordation: 6

4. Application Number(s) or Patent Number(s):

☐ This document is being filed together with a new application filed concurrently herewith on _____.

☒ Patent Application U.S. Serial No.: 09/549,937, filed on April 14, 2000.

5. Address all future communications to:

Leslie A. Serunian
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154-0053

6. Total number of applications and patents involved: 1 (one)

7. Total fee (37 C.F.R. §§3.41 and 1.21(h)):

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9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: August 4, 2000

By: _____

Leslie Serunian

Leslie A. Serunian

Registration No. 35,353

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154-0053
(212) 758-4800 Telephone

Total number of pages comprising this
Assignment & Recordation: 6

PATENT

Docket No.: 2710-4007US2

ASSIGNMENT OF APPLICATION FOR PATENT

WHEREAS:

Michael B. Chancellor, 5839 Ferree Street, Pittsburgh, PA 15217 USA;

Johnny Huard, 6412 Howe Street, Pittsburgh, PA 15206 USA;

Christopher C. Capelli, 4500 7th Street, Kenosha, WI 53142 USA; and

Zhuqing Qu, 5551 Center Avenue, Apartment 708, Pittsburgh, PA 15232 USA

(full name(s) and post office address(s) of inventor(s) (including country))

(hereinafter referred to as ASSIGNOR(S)), has made a discovery or invention entitled:

**SOFT TISSUE AND BONE AUGMENTATION AND BULKING UTILIZING MUSCLE-DERIVED
PROGENITOR CELLS, COMPOSITIONS AND TREATMENTS THEREOF**

(title of discovery or invention)

[] for which application for Letters Patent of the United States has been executed on even date herewith,

[X] for which application for Letters Patent of the United States has been filed on April 14, 2000, under Serial No. 09/549,937, and

WHEREAS:

University of Pittsburgh, 200 Gardner Steel Conference Center, Pittsburgh, PA 15260 USA

(name and address of assignee)

(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR(S) of the sum of one Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR(S) hereby sells, assigns and transfers to ASSIGNEE, its successors, legal representatives and assigns, the full and exclusive right, title and interest to said discovery or invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

I, SAID ASSIGNOR(S), hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and any Official of any country or countries foreign to the United States of America whose duty it is to issue Letters Patent on applications as aforesaid, to issue all such Letters Patent for said discovery or invention to the ASSIGNEE, as assignee of the entire right, title and interest in, to and under the same, for the sole use and on behalf of the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

I, SAID, ASSIGNOR(S), hereby covenant that I have full right to convey the entire right, title and interest herein sold, assigned, transferred and set over;

AND I, SAID ASSIGNOR(S) hereby further covenant and agree that the ASSIGNEE, its successors, legal representatives, or assigns, may apply for foreign Letters Patent on said discovery or invention and claim the benefits of the International Convention, and that I will, at any time, when called upon to do so by the ASSIGNEE, its successors, legal representatives, or assigns, communicate to the ASSIGNEE, its successors, legal representatives, or assigns, as the case may be, any facts known to me respecting said discovery or invention, and execute and deliver all lawful papers that may be necessary or desirable to perfect the title to the said discovery or invention, the said applications and the said Letters Patent in the ASSIGNEE, its successors, legal representatives and assigns, and that reissues of the said Letters Patent or disclaimers relating thereto, or divisions, continuations, or refilings of the said applications, or any thereof, shall hereafter be desired by the ASSIGNEE, its successors, legal representatives, or assigns, sign all lawful papers, make all rightful oaths, execute and deliver all such disclaimers and all divisional, continuation and reissue applications so desired, and do all lawful acts requisite for the application for such reissues and the procuring thereof and for the filing of such disclaimers and such applications, and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention or discovery in all countries, and without further compensation but at the expense of the ASSIGNEE, its successors, legal representatives and assigns.

Assignor's signature: _____

First Name
Michael

Middle initial
B.

Last name
CHANCELLOR

Citizenship: United States of America

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 19 day of July, 2000.

STATE OF)

ss.:)

COUNTY OF)

On this _____ day of _____, 2000, before me, the undersigned authority, personally appeared to me

known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposes therein specified.

Notary Public

Assignor's signature: Zhuqing Qu
First Name Middle initial Last name
Zhuqing QU

Citizenship: China

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 27 day of JULY, 2000.

STATE OF)
 ss.:
COUNTY OF)

On this _____ day of _____, 2000, before me, the undersigned authority, personally appeared

to me known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposes therein specified.

Notary Public



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AUGUST 30, 1999

MORGAN & FINNEGAN, LLP
LESLIE A. SERUNIAN
345 PARK AVENUE
NEW YORK, NEW YORK 10154



101082523A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/28/1999

REEL/FRAME: 010054/0804
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CHANCELLOR, MICHAEL B.

DOC DATE: 06/04/1999

ASSIGNOR:

HUARD, JOHNNY

DOC DATE: 06/08/1999

ASSIGNEE:

PITTSBURGH, UNIVERSITY OF
200 GARDNER STEEL CONFERENCE
CENTER
PITTSBURGH, PENNSYLVANIA 15260

SERIAL NUMBER: 09302896

FILING DATE: 04/30/1999

PATENT NUMBER:

ISSUE DATE:

.010054/0804 PAGE 2

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

06-30-1999



101082523

RECEIVED
JUN 28 1999
Docket No. 2710-4007US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael B. CHANCELLOR and Johnny HUARD
Serial No. : 09/302,896 Group Art Unit: To be assigned
Filed : April 30, 1999 Examiner: To be assigned
For : MUSCLE-DERIVED CELL MEDIATED GENE DELIVERY FOR
TREATING MUSCLE- AND BONE-RELATED INJURY OR
DYSFUNCTION

RECORDATION FORM COVER SHEET PURSUANT TO 37 C.F.R. § 3.31

Hon. Commissioner of Patents and Trademarks
BOX ASSIGNMENTS
Washington, D.C. 20231

Sir:

6-28-99

Please record the attached original documents or copy thereof.

1. Name of conveying party/parties:

MICHAEL B. CHANCELLOR and JOHNNY HUARD

2. Name and address of receiving party/parties:

Name UNIVERSITY OF PITTSBURGH

Street Address: 200 Gardner Steel Conference Center

City Pittsburgh State PA ZIP 15260

☐ Additional names and addresses attached.

3. Name of conveyance: ☒ Assignment ☐ Merger ☐ Security Agreement
☐ Change of Name ☐ Other

Execution Date: M.B. Chancellor: June 4, 1999; J. Huard: June 8, 1999

4. Application Number(s) or Patent Number(s):

☐ This document is being filed together with a new application which was executed on _____

☒ Patent Application No.(s) 09/302,896, filed April 30, 1999

☐ Patent No.(s) _____

06/28/1999 MTHAI1 00000220 09302896

01 FC:581

40.00 OF

5. Address all future communications to:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154

6. Total number of applications and patents involved: one (1)
7. Total fee (37 CFR §3.41): \$40.00 property x one (1) property(ies) = \$ 40.00
- [X] A check in the amount of \$ 40.00 to cover the recordation fee is enclosed.
- [] Charge fee to Deposit Account No. 13-4500. Order No. _____
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this recordation, or credit any overpayment to Deposit Account No. 13-4500.. Order No. 2710-4007US1.
8. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: June 23, 1999

By:

Leslie A. Serunian
Leslie A. Serunian
Registration No. 35,353

CORRESPONDENCE ADDRESS:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

Total number of pages including the recordation cover sheet 5

FORM: REC-PAT.NY
Rev. 05/26/98

PATENT

Docket No. 2710-4007US1

ASSIGNMENT OF APPLICATION FOR PATENT

WHEREAS:

MICHAEL B. CHANCELLOR – residing at 5836 Ferree Street, Pittsburgh, Pennsylvania 15217, U.S.A. and

JOHNNY HUARD – residing at 716 Highpoint Drive, Wexford, Pennsylvania 15090, U.S.A.

(full name(s) and post office address(s) of inventor(s) (including country))

(hereinafter referred to as ASSIGNOR(S)), has made a discovery or invention entitled:

MUSCLE-DERIVED CELL MEDIATED GENE DELIVERY FOR TREATING MUSCLE- AND BONE-RELATED INJURY OR DYSFUNCTION

(title of discovery or invention)

☐ for which application for Letters Patent of the United States has been executed on even date herewith,

☒ for which application for Letters Patent of the United States has been filed on April 30, 1999, under Serial No. 09/302,896.

WHEREAS:

UNIVERSITY OF PITTSBURGH residing at 200 Gardner Steel Conference Center, Pittsburgh, Pennsylvania, 15260, U.S.A.

(name and address of assignee)

(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR(S) of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR(S) hereby sells, assigns and transfers to ASSIGNEE, its successors, legal representatives and assigns, the full and exclusive right, title and interest to said discovery or invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

I, SAID ASSIGNOR(S), hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and any Official of any country or countries foreign to the United States of America whose duty it is to issue Letters Patent on applications as aforesaid, to issue all such Letters Patent for said discovery or invention

to the ASSIGNEE, as assignee of the entire right, title and interest in, to and under the same, for the sole use and behalf of the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

I, SAID, ASSIGNOR(S), hereby covenant that I have full right to convey the entire right, title and interest herein sold, assigned, transferred and set over;

AND I, SAID ASSIGNOR(S) hereby further covenant and agree that the ASSIGNEE, its successors, legal representatives, or assigns, may apply for foreign Letters Patent on said discovery or invention and claim the benefits of the International Convention, and that I will, at any time, when called upon to do so by the ASSIGNEE, its successors, legal representatives, or assigns, communicate to the ASSIGNEE, its successors, legal representatives, or assigns, as the case may be, any facts known to me respecting said discovery or invention, and execute and deliver all lawful papers that may be necessary or desirable to perfect the title to the said discovery or invention, the said applications and the said Letters Patent in the ASSIGNEE, its successors, legal representatives and assigns, and that it reissues of the said Letters Patent or disclaimers relating thereto, or divisions, continuations, or re filings of the said applications, or any thereof, shall hereafter be desired by the ASSIGNEE, its successors, legal representatives, or assigns, sign all lawful papers, make all rightful oaths, execute and deliver all such disclaimers and all divisional, continuation and reissue applications so desired, and do all lawful acts requisite for the application for such reissues and the procuring thereof and for the filing of such disclaimers and such applications, and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention or discovery in all countries, and without further compensation but at the expense of the ASSIGNEE, its successors, legal representatives and assigns.

Assignor's signature: _____

Michael B. Chancellor

Citizenship: U.S.A.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 4th day of JUNE, 1999.

STATE OF Pennsylvania

ss.:

COUNTY OF Allegheny

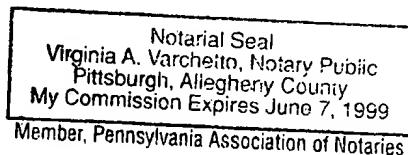
On this 4th day of JUNE, 1999, before me, the undersigned authority, personally appeared to me

MICHAEL B CHANCELLOR

known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposed therein specified.

Eugene A. Varchetto

Notary Public

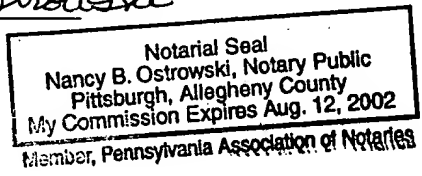


Assignor's signature: _____

Johnny Huard

Citizenship: CanadaIN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 8TH day of JUNE, 1999STATE OF) PENNSYLVANIA
 ss.:
COUNTY OF) ALLEGHENYOn this 8TH day of JUNE, 1999, before me, the undersigned authority, personally appeared

to me known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposed therein specified.

Nancy B. Ostrowski
Notary PublicFORM: ASSIGN. PAT
Rev. 05/26/98